

The Honorable J. Kelley Arnold

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

| | | |
|--|---|--------------------------|
| & CAPITAL PARTNERS LP, |) | |
| |) | |
| Plaintiff, |) | No. C07-5385JKA |
| |) | |
| v. |) | STIPULATION AND ORDER TO |
| |) | CONTINUE TRIAL DATE AND |
| ROBERT W. CHRISTENSEN, JR., JANE DOE |) | EXTEND PRE-TRIAL |
| CHRISTENSEN, and the marital community |) | DEADLINES |
| composed thereof, |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

I. STIPULATION

Plaintiff & Capital, Inc. (“& Capital”), by and through its counsel of record, Michele Radosevich of Davis Wright Tremaine LLP, on the one hand, and Robert W. Christensen, Jr. and Debra Christensen, and the marital community composed thereof, by and through their counsel of record, David C. Kelly of Peterson Russell Kelly PLLC, on the other, stipulate that the jury trial in the above-referenced matter, currently set for July 16, 2008, be continued to September 22, 2008, or as soon thereafter as the Court is available, and to a corresponding extension of the dispositive motions and pre-trial submissions deadlines.

STIPULATION AND ORDER TO CONTINUE TRIAL DATE AND EXTEND
PRE-TRIAL DEADLINES (C07-5385JKA) — 1

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2 In an effort to resolve this case short of trial, the parties have agreed to mediate the
3 dispute. The parties did not schedule the mediation prior to the CR 39.1 deadline, in part
4 because they believed they could resolve the matter without formal mediation, and in part
5 because counsel of record for & Capital was out of state for extended periods of time in the
6 spring of 2008 due to the illness and passing of her mother.

7 The parties have now selected Dick Manning to serve as mediator. The week of
8 July 14, 2007 is the first week that the parties, their counsel, and Mr. Manning are all
9 available. The parties wish to postpone trial until after the mediation, in an effort to reduce
10 costs and fees and to increase the likelihood that the parties can reach a settlement.

11 This Stipulation and Proposed Order requests that the Court continue the trial date
12 until September 22, 2008 or as soon thereafter as the Court is available, and extend the
13 corresponding dispositive motions and pre-trial deadlines, with a suggested schedule as
14 follows:

- 15 (1) Plaintiff's pretrial statement shall be due on **July 28, 2008**.
- 16 (2) Defendant's pretrial statement shall be due on **August 6, 2008**.
- 17 (3) The Conference of Attorneys pursuant to Local CR 16(k) shall take place on or
18 before **August 16, 2008**.
- 19 (4) The pretrial order lodging date shall be **August 22, 2008**.
- 20 (5) The deadline for filing motions in limine shall be **August 22, 2008**.
- 21 (6) The deadline for filing objections to motions in limine shall be **August 29,**
22 **2008**.
- 23 (7) Deadline for filing proposed joint jury instructions and trial briefs shall be
September 5, 2008.
- (8) The last date to complete the pretrial conference shall be **September 12, 2008**.

The parties hereby stipulate and agree that the order below should be

1 entered extending the deadlines described above.

2 **SO STIPULATED** this 20th day of June, 2008.

3 Presented by:

4 Davis Wright Tremaine LLP

5 By /s/ Michele Radosevich

6 Michele Radosevich, WSBA # 24282

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12 *Attorney for & Capital Partners, L.P.*

13 Peterson Russell Kelly PLLC

14 By /s/ David C. Kelly (per attorney authorization)

15 David C. Kelly, WSBA #13534

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22 *Attorney Robert W. Christensen, Jr. and Debra*
23 *Christensen*

II. ORDER

The parties having stipulated to the following:

- (1) **Trial date is continued to September 29, 2008 (3 day-jury trial).**
- (2) Plaintiff's pretrial statement shall be due on **July 28, 2008.**
- (3) Defendant's pretrial statement shall be due on **August 6, 2008.**
- (4) The Conference of Attorneys pursuant to Local CR 16(k) shall take place on or before **August 16, 2008.**
- (5) The pretrial order lodging date shall be **August 22, 2008.**
- (6) The deadline for filing motions in limine shall be **August 22, 2008.**
- (7) The deadline for filing objections to motions in limine shall be **August 29, 2008.**
- (8) The deadline for filing proposed joint jury instructions and trial briefs shall be **September 5, 2008.**
- (9) The last date to complete the pretrial conference shall be **September 19, 2008.**

IT IS SO ORDERED.

DATED this 25th day of June, 2008.

/s/ J. Kelley Arnold

The Honorable J. Kelley Arnold
UNITED STATES MAGISTRATE JUDGE

Presented by:
Davis Wright Tremaine LLP
Attorneys for & Capital Partners, L.P.

By /s/ Michele Radosevich
Michele Radosevich, WSBA # 24282

Approved as to form, Notice of Presentation Waived:
Peterson Russell Kelly PLLC
Attorneys for Robert W. Christensen, Jr. and Debra Christensen

By /s/ David C. Kelly (per attorney authorization)
David C. Kelly, WSBA #13534